

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Norwest Bank Wisconsin, National
Association, a Wisconsin Banking
Corporation, as Trustee,

Civil Case No. 99-40146

Hon. Paul V. Gadola

Plaintiff,

v.

The Malachi Corporation, Inc.,

Defendant.

**ORDER GRANTING SUPPLEMENTAL
APPLICATION OF HEALTHLINK SERVICES, LLC,
FOR APPROVAL AND AUTHORIZATION
TO PAY ATTORNEY'S FEES AND EXPENSES**

Under consideration is the Supplemental Application of HealthLink Services, LLC for Approval and Authorization to Pay Attorney's Fees and Expenses (Doc# 360), as supplemented on March 28, 2005 (Doc # 361), with Addendum filed on April 15, 2005 (Doc. #369). A Supplemental Composite Exhibit 1 was filed on May 5, 2005 (Doc. #383), as well Addendums filed on August 1, 2005 (Doc. # 391), September 7, 2005 (Doc. #393), and December 12, 2005 (Doc. # 406). The Court having considered the Application finds as follows:

1. This case was commenced by the filing of the Plaintiff's Complaint on March 23, 1999. Concurrently with the filing of the Complaint, the Plaintiff filed a Motion for Appointment of a Receiver. On March 31, 1999 the Court entered an Order Appointing Receiver (as amended from time to time) (the "Receivership Order"). Pursuant to the Receivership Order, HealthLink Services, LLC, as Receiver retained counsel to assist in the administration and preservation of the receivership estate.

2. On or about April 2, 2004, the Receiver filed its original Application for Approval of Attorney's Fees and Expenses incurred on behalf of the Receivership, (Doc. 316), which was amended on or about June 8, 2004. (Doc. 332.) That application was approved by the Court on June 17, 2004. (Doc. 333.)

3. Subsequent to the Receiver's First Application for Attorney's Fees and Expense, additional attorney's fees and expenses were incurred for services provided to the various Michigan/Wisconsin facilities. Additionally, the Receivership incurred attorney's fees and expenses resulting from the Third-Party Complaint filed by HP/Management against the Receiver. (Case 4:03-cv-40340-PVG-Vmm, Doc. 27.)

4. The Receiver has filed its Supplemental Application to authorize the payment of attorney's fees and expenses incurred in furtherance of its obligation as Receiver. The Application sets forth the services provided by the various counsel to the Receiver and the fees and expenses incurred in these matters. The Court finds that these fees and expenses are administrative expenses of the receivership.

3. The Court finds that the hourly rates charged by the various counsel are reasonable and appropriate for the services provided. The services provided are reasonable and clearly related to the obligations of the receivership.

4. The Court finds that the allocation of legal services provided among the various facilities within the Receivership Estates is a fair and reasonable apportionment of those services.

5. The Court finds that the monies already paid to the various legal counsel was proper and ratifies such payment.

NOW THEREFORE, THE COURT HEREBY ORDERS AS FOLLOWS:

A. The Supplemental Application of the Receiver, including the supplements and addendums thereto, is granted. The Receiver is authorized to pay attorneys fees and expenses to the counsel as set forth on Exhibit A to this Order.

B. The legal fees and expenses should be paid from the proceeds of the respective facilities from available funds held by the Receiver without further hearing before the Court at such time as the Receiver files with the Court its final accounting with respect to a facility within the Receivership Estate.

C. This Order is without prejudice as to the submission of any subsequent applications for attorney's fees and expenses related to services provided subsequently or which were not included within the Supplemental Application before the Court.

SO ORDERED.

Dated: February 21, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 21, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Leonora K. Baughman; Bradley H. Darling; Boyd A. Henderson; Richardo I. Kilpatrick; Kay S. Kress; Eric H. Lipsitt; Richard G. Mack; Eric T. McCormick; Erick J. Meier; Judith C. Miller; Julia C. Pidgeon; Stuart J. Rice, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Patrick J. McLaughlin; Gregory T. Stewart; James M. Hammond; Nicole Y. Lamb-Hale; Gregory R. Schermerhoarn; Thomas B. Carpener; Ross A. Anderson.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845

Exhibit A**Authorized Attorney's Fees and Expenses to be Paid by Facility Assets**

Nabors, Giblin & Nickerson, P.A. (June 1, 2004 – November 30, 2005)							
Attorney's Fees and Costs							
	Bay Shores	Cambridge West	Marion Manor	Gillett	River Bend	Sunnyview Village	Wautoma
Receivership	17,793.83	13,870.86	18,006.59	4206.77	26,207.81	9510.60	6484.54
Third-Party Complaint	40,934.02	N/A	35,222.30	N/A	15,231.26	3807.81	N/A
Total	58,727.85	13,870.86	53,228.89	4206.778	41,439.07	13,318.41	6484.54

Howard & Howard, P.C. (June 11, 2004 Billing Statement – December 6, 2005 Billing Statement)							
Attorney's Fees and Costs							
	Bay Shores	Cambridge West	Marion Manor	Gillett	River Bend	Sunnyview Village	Wautoma
Receivership	16,334.46	10,168.40	12,771.89	3,163.62	20,795.62	7,124.09	5,745.75
Third-Party Complaint	26,748.58	N/A	23,016.22	N/A	9,952.96	2,488.24	N/A
Total	43,083.04	10,168.40	35,788.11	3,163.62	30,748.58	9612.33	5,745.75